

Central Government opens “vaccine passport” for travel to the Mainland

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Since the beginning of the COVID-19 pandemic, many countries have closed off their borders and international travel has become a difficult if not almost impossible task. While there were talks about “travel bubbles”, such as that proposed between Hong Kong and Singapore, concrete plans have yet to come to fruition. That is, until most recently, when the EU announced a version of its “vaccine passport”, under which those who can produce proof of vaccination with a number of recognised vaccine brands could travel free from quarantine obligations into continental Europe.

Similar arrangements have now been put in place for travel to Mainland China. In an effort to ease restrictions for entry into the Mainland, the Office of the Commissioner of the Ministry of Foreign Affairs of China in the HKSAR (the “Office”) published its “Notice on Visa Facilitation for Applicants Inoculated with COVID-19 Vaccines Produced in China” (the “Notice”) on 12 March 2021.

According to the Notice, certain visa applicants will benefit from reduced documentary requirements where they have either:

1. received two doses of a “Chinese-made” vaccine with the stipulated interval between them; or
2. received a single dose of a “Chinese-made” vaccine at least 14 days prior to the application.

The applicable classes of visa applicants and the corresponding reduced application requirements are summarised in the table below:

Class of Applicants	Requirements relaxed under the Notice
Foreign nationals and their family members 1. visiting China for resuming work and production in various fields	<ul style="list-style-type: none">• Applicants will only need those documents that were typically required when applying for a visa before the COVID-19 pandemic.• The Invitation Letter (PU), Invitation Letter (TE) or Invitation Verification Notice issued by the foreign affairs offices, the departments of commerce of the provincial governments or the headquarters of central state-owned enterprises are no longer required.
Foreign family members of Chinese citizens or permanent residents of China, including spouse, 2. parents, children and other close relatives living together (referring to siblings, grandparents and grandchildren)	<ul style="list-style-type: none">• Applicants are also eligible to apply for a visa for the purposes of reuniting with family, taking care of the elderly, visiting relatives, attending funerals or visiting critically ill relatives.
3. Holders of valid APEC business travel cards applying for a China business visa or trade visa	<ul style="list-style-type: none">• Applicants for an M visa will only need to present an

(i.e. “M visa”)

original valid APEC business travel card and an invitation letter issued by the inviting party in China.

Furthermore, applicants who have been inoculated will no longer be required to provide proof of a negative COVID-19 nucleic acid test result and the Health and Travel Record Declaration Form for Visa Application.

While China’s push towards its own version of “vaccine passports” is a welcome move to encourage safe mobility during these testing times, two issues arise.

First, there is uncertainty as to the brands of vaccines that qualify as “Chinese-made”, as the Notice is silent on that. Nonetheless, as of the date of this briefing note, four domestically produced vaccines are approved in China, including those produced by Sinovac, Sinopharm, CanSinoBio, and Wuhan Institute of Biological Products. It would appear, however, that the BioNTech vaccine, despite being developed in collaboration with Fosun Pharma for shots supplied to Hong Kong, would not fall under this category.

More importantly, the vaccines that are currently approved in China are not likewise approved by European (or other) countries or the WHO, and vice versa, meaning that no one is allowed to obtain a “full vaccine passport” for travelling across these jurisdictions. This leaves business travellers with a conundrum as to which vaccine to take: a Chinese-made vaccine to enable travel to the Mainland (but not elsewhere), or a foreign vaccine for travel to other countries, but not the Mainland. Until and unless there are further developments in the reconciliation of travel arrangements between China and other countries, those who received or intend to receive COVID-19 jabs may only benefit from a limited version of “vaccine passport”, depending on the type of vaccine received.

For those residing in Hong Kong, what this means is the choice of vaccine may in fact be a choice on eligibility to travel to China, or elsewhere, but not both, given the BioNTech vaccine and the Sinovac vaccine are the only available options in Hong Kong.

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